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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,820	10/07/2004	Robert P. Rouen	68.0496	5819
35204 7590 03/06/2009 SCHLUMBERGER RESERVOIR COMPLETIONS 14910 AIRLINE ROAD ROSHARON, TX 77583				
EXAMINER ANDREWS, DAVID L				
ART UNIT 3672		PAPER NUMBER		
NOTIFICATION DATE 03/06/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/711,820

Applicant(s)

ROUEN, ROBERT P.

Examiner

David Andrews

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-16, 18-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-16, 18-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The amendment filed 11/5/2008 has been entered.

Response to Arguments

Applicant's arguments filed 11/5/2008 have been fully considered but they are not persuasive. Applicant argues that the unloading valves (30) of Maloney are not intended to operate when pressurized gas is injected into the tubular (28). The examiner disagrees. Maloney discloses that the valves (30) are "gas-lift unloading valves" (col. 1, lines 54-58) which allow gas to enter the production string (21) from the tubular (col. 3, lines 30-35) in order to "lift liquid" from the well and that they set to open at a particular pressure threshold (col. 3, lines 35-37). This description of the valves (30) and their operation teaches that the valves are configured to be opening in response to application of pressure applied by a flow of gas injected, since they are opened at a particular pressures (col. 3, lines 34-37) and that the valves do assist in production of fluid from the wellbore (col. 3, lines 30-34). Therefore the teachings of Maloney are found to read on the claims as amended and the claims remain as rejected under Maloney.

Applicant also argues that the valves of Wellington serve a different purpose than those of Maloney and that they are located above a perforation interval and therefore do not combine with Maloney to obviate the claimed invention. The examiner disagrees and views the valves of Wellington and Maloney as having near identical purpose since they are both gas-lift valves to raise production fluid (Maloney, col. 1, lines 55-58, col. 3,

lines 30-35; Wellington, col. 4, lines 11-25). The valves of Wellington do not need to be at or near the perforation intervals since Maloney shows the positioning of the valves as meeting this limitation. The valves of Maloney are only being replaced in the combination and hence the positioning would remain as disclosed (i.e. fig 1).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-11, 13-15, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Maloney et al. (US 4,708,595). Maloney et al. disclose a gas injection apparatus and method comprising: a tubular member defining an axial bore therethrough (28) adapted to deliver a gas into a wellbore proximate a perforation interval via orifices; a plurality of gas lift valves (30) attached to the tubular member, the gas lift valves adapted to regulate communication via the corresponding orifices, from the axial bore of the tubular member to the wellbore at or below the perforation interval (fig 1 shows the apparatus as proximate the interval and although the injection is into tubular 21 the arrangement is considered equivalent since tubular 21 is open to the wellbore fluids via 24) and wherein the gas lift valves are configured to be opened in response to application of pressure applied by a flow of gas injected into the axial bore of the tubular member (col. 3, lines 28-37), wherein gas is injected through each of the

gas lift valves that is opened to assist production of fluid from the wellbore (col. 1, lines 50-58, col. 4, lines 32-34); a sealing mechanism to seal the wellbore above the perforation interval (18); wherein the tubular is adapted to engage the sealing mechanism (fig 1); wherein the sealing mechanism is a dual port packer; wherein the tubular is adapted to inject a gas proximate the perforation interval of a gas or oil bearing well (the disclosure is directed to lifting hydrocarbon fluids which are either gas or oil); a tubular string adapted to produce fluid from the perforation interval via one port in the sealing mechanism (21); and wherein the tubular string comprises one or more gas lift valves for injecting a gas into the well at a location above the sealing mechanism (36).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney et al. in view of McCulloch (US 2,894,587). Maloney et al. disclose all the limitations of this claim, as applied to claim 1 above, except for including a retrieving element on the tubular member, although Maloney et al. does teach that wireline retrieval of components is desirable (col. 4, lines 30-33). McCulloch discloses a completion apparatus with a similar arrangement to Maloney where the corresponding tubular member has a

retrieval element (48). It should be noted that although valve 34 of Maloney et al. is shown as connected to tubular, the gas to feed 34a and 28 is fed from the annulus 35 (col. 3, line 66 – col. 4, line 5) making it obvious to one of ordinary skill that the tubular 28 need not be connected to the production tubular (21). Therefore it would have been obvious to one of ordinary skill at the time of invention to provide the tubular member of Maloney et al. with a retrievable element since applying a known technique (the retrievable member) to improve a known device is considered obvious to one of ordinary skill. (See MPEP 2141 III, rationale C).

Claims 16, 18-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney et al. in view of Wellington et al. (US 5,031,697). Maloney et al. disclose all the limitations of this claim, as applied to claim 1 above, except for teaching that the valves are actuated at different pressures, or that a valve is closed once another is opened, although Maloney does disclose that the valves would be arranged according to methods known in the art (col. 3, lines 35-45). Wellington et al. teach that known methods of operating gas lift well include opening a first valve in response to a first pressure and a second valve in response to a second, different pressure (col. 2, lines 67-68); wherein once a second valve is opened, the first closes (col. 3, lines 4-6); and wherein the valves are configured to sequentially activate (col. 3, lines 1-4). It is noted that the gas lift valves of Wellington are on the production tubing above the perforations, but the teachings as applicable to any gas lift system are considered equivalently relevant to the system of Maloney et al. since the principles of

operation are the same. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to operate the valves of Maloney et al., as is known in the art and taught by Wellington, since applying a known technique to a known device where the result yields predictable results is considered obvious to one of ordinary skill. (See MPEP 2141 III, rationale D).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Andrews whose telephone number is (571)272-6558. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David J. Bagnell/
Supervisory Patent Examiner, Art Unit 3672

DLA
2/23/09